



**Langley Research Center
DIRECTIVES MANAGEMENT
TRANSMITTAL SHEET**

LAPD 3630.3

MATERIAL TRANSMITTED

LAPD 3630.3, "Attendance and Leave"

REVISION

LAPD 3630.3, dated July 22, 2004

SUMMARY

This directive has been revised to:

LAPD 3630.3 has been totally rewritten to ensure that Langley is in compliance with current Code of Federal Regulations (CFR), Federal law, and applicable NASA regulations. It also provides links to the Office of Personnel Management (OPM) web sites to help ensure that employees will have easy access to updated regulations in the future. Where possible, links are provided to NASA-specific guidance as well.



**LANGLEY
POLICY
DIRECTIVE**

Directive: LAPD 3630.3

Effective Date: _____

Expiration Date: _____

Responsible Office: Office of Human Capital Management

Subject: Attendance and Leave

1. POLICY

LaRC will:

- a. Comply with the Code of Federal Regulations (CFR), Federal law, and applicable NASA regulations. Whenever possible, links to the Office of Personnel Management (OPM) web sites have been provided. In addition, if specific NASA guidance has been developed, links to that guidance are provided as well.
- b. Administer the laws and regulations relating to attendance and leave in a manner which serves the best interest of LaRC with due regard for the well being of its employees.

2. APPLICABILITY

This directive is applicable to all NASA LaRC employees.

3. AUTHORITY

- a. Title 5, U.S. Code, Part 111, subpart E, Chapters 61 and 63
- b. Title 5, CFR, Parts 550, 551, 610, and 630
- c. Family and Medical Leave Act
- d. Federal Employees' Family Friendly Leave Act

4. REFERENCES

- a. NPD 3000.1, "Management of Human Resources"
- b. NPR 3530.1, "Pay Policy and Allowances"
- c. NPR 3600.1, "Attendance and Leave"
- d. Langley Form 54, "Request for Special Leave or Excused Absence"
- e. Langley Form 197, "Voluntary Leave Transfer Program Application"

f. Langley Form 199, "Request to Donate Annual Leave to Leave Recipient Under the Leave Transfer Program"

g. Langley Form 383, "Request to Donate Annual Leave to Leave Recipient (Outside Agency) Under the Leave Transfer Program"

h. Langley Form 385, "Record of Employee's Use of Family and Medical Leave"

5. RESPONSIBILITIES

a. Center Director

(1) Approve waiver of biweekly pay limitation.

(2) Approve exigencies of the public business

b. Supervisors

(1) Inform employees of work schedules, as appropriate.

(2) Inform employees of changes in workweek or work schedules prior to the beginning of the administrative workweek in which the change occurs.

(3) Possess positive knowledge of employees' presence and absence.

(4) Assist employees in planning and scheduling annual leave to provide reasonable vacation periods and to ensure the use of leave which otherwise might be forfeited.

(5) Approve timesheets and prior pay period adjustments.

(6) Determine that the circumstances of an employee's absence are appropriate for the use of sick leave.

(7) Approve voluntary shift changes for personal reasons.

(8) Approve extended lunch period for physical fitness activities or other personal reasons.

c. Director, Office of Human Capital Management (OHCM)

(1) Approve advanced sick leave

(2) Approve leave without pay in excess of 30 calendar days

(3) Approve restoration of annual leave that is forfeited at the end of the leave year when forfeiture is caused by an exigency of the public business, administrative error, or sickness which prevented use of scheduled annual leave.

- d. Head, Organizational Development and Workforce Relations Branch (ODWRB)
 - (1) Approve excused absences for registering and voting.
 - (2) Approve excused absences for blood donation (in excess of standard).
 - (3) Approve excused absence of individual employees in circumstances that do not involve the entire Center.
 - (4) Approve leave for civil defense activity.
 - (5) Approve the assignment of an employee or group to a workweek other than Monday through Friday.
 - (6) Approve the temporary assignment of an employee or group to a nonstandard shift or workweek for more than 1 biweekly pay period for work-related reasons.
 - (7) Approve the assignment of an employee or group to a First 40-Hour Tour of Duty when it is determined impractical to establish a regularly scheduled workweek.
 - (8) Approve changes in hours of duty as necessary, i.e. First 40-Hour Tour of Duty.
 - (9) Approve administrative leave for investigation or during an adverse action notice period.

6. DELEGATION OF AUTHORITY

None

7. MEASUREMENTS

None

8. CANCELLATION

LAPD 3630.3, dated July 22, 2004, is superseded.

Lesia B. Roe
Director

Attachments A-E

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Attachment B – Work Schedules

1. Purpose

References in this attachment set forth policies and regulations governing hours of duty at this Center and definitions, criteria, and policy for deviations to hours of duty:

2. Lunch Periods

Office of Personnel Management (OPM) Lunch and Other Meal Periods

<http://www.opm.gov/oca/worksch/HTML/LUNCH.HTM>

Daily tours of duty in excess of 6 hours will include a 30-minute non-paid duty-free lunch period. The lunch period should be scheduled or taken near the midpoint of the employee's workday.

3. Holidays

OPM Federal Holidays

<http://www.opm.gov/fedhol/index.asp>

OPM Federal Holidays - Work Schedules and Pay

<http://www.opm.gov/oca/WORKSCH/HTML/HOLIDAY.asp>

When a holiday falls on Saturday, the preceding Friday is considered the holiday. When a holiday falls on Sunday, the following Monday is considered the holiday.

4. Variable Day Schedule

Alternative Work Schedules (AWS)/Flexible Work Schedules (FWS)

www.opm.gov/oca/worksch/HTML/awsfws.asp

References in this attachment set forth the purpose, definitions, responsibilities, and general provisions for the utilization of the Variable Day Schedule (VDS) at Langley.

a. Responsibilities

(1) Heads of Organizational Units

(a) Determine appropriate work schedules

(b) Ensure employees work within the work schedule, attendance is properly recorded, and timesheets are approved.

(c) Have authority to require employees to be on duty as needed on an individual basis

(d) Have authority to rescind the VDS when deemed appropriate

(2) Employee

(a) Ensure timesheet is completed accurately

(b) Responsible for scheduling work during flexible time bands, Monday through Friday, to ensure that 40 hours in the workweek is not exceeded without supervisory approval

b. General Provisions

(1) Employees in LaRC bargaining units who are on standard or nonstandard tours of duty, will be governed by existing contract provisions on hours of duty, shift work, and premium pay.

(2) Basic Work Requirement

(a) 40 hours per week and 80 hours per biweekly pay period

(b) Core hours are 9 a.m. to 3 p.m., Monday through Friday, including a half hour lunch period

(c) Flexible time bands are from 6 a.m. to 9 a.m. and 3 p.m. to 6 p.m.

(d) Center policy requires attendance during core hours, Monday through Friday. Supervisors may approve a request to be absent during core time, but such absence shall be made up by the employee during the administrative workweek in which the absence occurred or by a charge to an appropriate leave category or credit hours. Supervisors may change or waive the core hour requirement on a case-by-case basis.

(e) Work performed outside the flexible time bands requires supervisory approval.

(f) When feasible to apply the VDS to shift operations, the following guidelines will be used in setting core time and flexible time bands:

(1) Management will determine the hours of operation needed for additional shifts.

(2) Once shift hours are determined, management will identify the midpoint of the shift. The midpoint will be used to establish the starting and ending time of the VDS time band, with hours after the midpoint. Flexible time bands of approximately 3 hours duration will be set at the beginning and end of the flexible time band.

(g) Time off during the basic work requirement will be charged to the appropriate leave category using the 8-hour day as the frame of reference in determining the amount of leave chargeable. Pro rata adjustments will be made for part-time employees based upon the number of scheduled work hours.

(h) No leave of any kind may be used solely to generate an entitlement to credit hours. If an employee's absence occurs before 40 hours of work in a particular workweek, 8 hours of leave may be requested for the absence as long as the leave charge does not cause the employee to exceed 40 hours for the week. If, subsequent to that absence and with supervisory approval, the employee works more than 40 hours for the week, the employee may elect to apply the excess time worked to reduce the leave charged for their absence or to earn credit hours.

(3) Examples

(a) An employee has accrued 34 hours for the workweek by the time he/she leaves work on Thursday. If the employee is absent on Friday (with supervisory approval), then the employee would only be charged 6 hours of the appropriate leave in order to meet the 40-hour workweek requirement. The employee would not be entitled to or allowed an 8-hour leave charge for the absence on Friday since only 6 hours would be needed to meet the 40-hour workweek requirement.

(b) An employee works 12 hours on Monday. If the employee is absent on approved leave on Tuesday, he or she may use up to 8 hours of leave for the period absent on Tuesday since the leave charged on Tuesday would not cause the employee to exceed the 40-hour workweek requirement. With supervisory approval, the employee then elects to work 10 hours each day on Wednesday and Thursday, which completed the employee's workweek requirement and allowed him or her to be off on Friday.

NOTE: Supervisory approval is needed in order for the employee to work 10-hour days on Wednesday and Thursday as the employee will complete the workweek as of Thursday. Supervisory approval is also required for the employee to be absent on Friday between the hours of 9 a.m. to 3 p.m. If the employee elected instead to work on Friday, supervisory approval would be required as that would necessitate the earning of credit hours, which is regulated by the supervisor.

(c) In order to earn credit hours and with supervisory approval, an employee completes 42 hours of work by the close of business on Thursday. If the employee is absent on Friday due to illness or due to the election of annual leave, no leave will be charged for Friday's absence. The employee met his or her 40-hour workweek requirement. He or she will receive 2 hours of credit.

NOTE: Although no leave could be granted for Friday's absence, the employee shall obtain supervisory approval for absence between 9 a.m. and 3 p.m. core time.

5. First 40-Hour Tour of Duty

NPR 3600.1, "Attendance and Leave," Chapter 2, Procedural Requirements for Hours of Duty

<http://nodis3.gsfc.nasa.gov>

a. When it is impracticable to prescribe a regular schedule of definite hours of duty for each workday of the regular workweek, an employee may be assigned to an irregular tour of duty, in which case the first 40 hours worked constitute the basic workweek. Such duty shall be completed in a period of not more than 6 days of the administrative workweek. Examples of appropriate justifications include: computer-related assignments, availability of facilities, such as wind tunnels, etc., extensive interaction with personnel in other time zones, weather/atmospheric or other non-controllable conditions, and supervision of multiple shifts.

b. Written requests for First-40 Hour Tour of Duty approval are to be submitted through organizational channels to the Head, ODWRB, and shall include: a description of the specific condition which makes it impracticable to prescribe a regular schedule of hours; the names, titles, and grades of employees who will be assigned; and the length of the assignment. Approvals are limited to one year for each request.

DRAFT

Attachment C -- Travel on Official Time

1. Purpose

a. It is the policy of this Center that supervisors and employees work together to plan and schedule travel during official hours of duty. If possible, employees should not be required to travel during non-duty hours. For additional information, see OPM Hours of Work for Travel (<http://www.opm.gov/oca/worksch/HTML/TRAVEL.asp>).

b. See Attachment D for information on Compensatory Time Off for Travel.

2. Travel Time for Exempt Employees

a. Under 5 CFR 550.112(g) official travel away from an employee's official duty station for employees exempt from the Fair Labor Standards Act (FLSA) is hours of work if the travel is:

Within the days and hours of the employee's regularly scheduled administrative workweek, including regularly scheduled overtime hours, or outside the hours of the employee's regularly scheduled administrative workweek, is ordered or approved, and meets one of the following four conditions:

- (1) Involves the performance of work while traveling (such as driving a loaded truck);
- (2) Is incident to travel that involves the performance of work while traveling (such as driving an empty truck back to the point of origin);
- (3) Is carried out under arduous and unusual conditions (e.g., travel on rough terrain or under extremely severe weather conditions); or
- (4) Results from an event that could not be scheduled or controlled administratively by any individual or agency in the executive branch of Government (such as training scheduled solely by a private firm or a job-related court appearance required by a court subpoena.)

3. Travel Time for Non-Exempt Employees

a. Travel that is Hours of Work for employee's non-exempt from the FLSA is hours of work if:

- (1) An employee is required to work during travel (e.g., by being required to drive a Government vehicle as part of a work assignment);
- (2) An employee is required to travel as a passenger on a 1-day assignment away from the official duty station; or

(3) An employee is required to travel as a passenger on an overnight assignment away from the official duty station during hours on non-workdays that correspond to the employee's regular working hours.

4. Variable Day Schedule (VDS) Only

a. Supervisors are responsible for making a determination prior to the travel whether the VDS provisions are consistent with the duties to be performed on travel. For example, the VDS may not be appropriate when the site visited is operating on a fixed schedule. Where VDS is not appropriate, the employee's schedule should revert to a fixed 8 a.m. to 4:30 p.m. schedule for the entire pay period.

DRAFT

Attachment D -- Premium Pay, Compensatory Time Off for Travel, and Credit Hours

1. Purpose

Overtime will be paid for any hours worked, officially ordered and approved in advance, in excess of 8 hours in a day or 40 hours in a week. Compensatory time off may be requested in lieu of overtime pay for those employees who are not normally paid overtime, or for those who prefer compensatory time off to overtime pay.

2. Variable Day Schedule

a. *If hours ordered to be worked are not in excess of 8 in a day or 40 in a week at the time they are performed, the employee may:*

(1) *Take off from work on a subsequent workday for a period of time equal to the number of extra hours of work ordered, or*

(2) *Complete the basic work requirement as scheduled, and the extra hours may be counted as credit hours; or*

(3) *Complete the basic work requirement as scheduled and the resulting hours worked beyond the employee's basic work requirement may be compensated as overtime hours.*

b. *Night differential pay will not be paid to an employee who has core hours established between 9 a.m. and 3 p.m., but elects to work between 6 p.m. and 6 a.m.*

3. OPM Pay Administration

a. See the following for information on administration of overtime:

<http://www.opm.gov/oca/pay/index.asp>

b. General Schedule employees may receive premium pay in a pay period only to the extent that the aggregate of basic pay and premium pay for the pay period does not exceed the greater of the biweekly rate for GS-15, Step 10 (including any applicable locality payment or special rate supplement) or Level V of the Executive Schedule. Information on the pay limit is available at:

OPM Biweekly Caps on Premium Pay

<http://www.opm.gov/oca/pay/HTML/06GSCap.asp>

(Rules for Langley appear under the Locality Pay Area "Rest of United States.")

4. Compensatory Time Off

The biweekly pay limitation is also a ceiling on compensatory time off. Compensatory time off is merely an alternative form of payment for overtime work. As such, the value of an hour of compensatory time off is equal to the overtime hourly rate that is payable in dollars. Thus, the number of hours for which an employee may receive monetary overtime pay is also the number of hours of compensatory time off that may be credited in a pay period. An employee may not exceed the biweekly pay limitation by choosing compensatory time off as a substitute for monetary overtime pay.

5. Request for Paid Overtime In Lieu of Compensatory Time for Exempt Employees Whose Salary Exceeds GS-10, Step 10

Exempt employees whose salaries exceed the maximum rate of a GS-10 are required to take compensatory time off (another way of paying for overtime work) instead of receiving overtime pay. However, there are instances where the projected workload would make the granting of compensatory time off very difficult. In these instances, a letter requesting overtime pay shall be forwarded through organizational line management to the OCFO in advance of the performance of the work. Waivers granted to these employees will be for a maximum of 3 months. If the reasons for paying the employee are still valid at the end of the 3-month period, a new request shall be submitted. A similar letter is required when requesting premium pay for an employee whose salary exceeds the maximum rate of a GS-10 who performs work on a holiday.

6. Compensatory Time Off for Travel

Questions and Answers on Compensatory Time Off for Travel

www.opm.gov/oca/compmemo/2005/2005-03-att1.asp

Compensatory Time Off for Travel: Examples of Creditable Travel Time

www.opm.gov/oca/compmemo/2005/2005-03-att2.asp

Compensatory time off for travel is a new form of compensatory time off that may be earned for time spent in a travel status away from the employee's official duty station when such time is not otherwise compensable. The new provisions apply without regard to whether the employee is exempt from or covered by the overtime pay provisions of the Fair Labor Standards Act of 1938, as amended, and applies to senior-level (SL) and scientific and technical (ST) positions, but not members of the SES. Compensatory Time Off for Travel shall be used by the end of the 26th pay period after the pay period in which it was earned or it shall be forfeited, except in certain circumstances, such as separation, extended leave without pay, on-the-job injury, etc. Under no circumstances may an employee receive payment for unused compensatory time off for travel. This form of compensatory time is not considered in applying the pay caps or the aggregate limitation on pay and there is no limit on the amount of compensatory time off for travel that can be earned.

7. Compensatory Time Off for Religious Purposes

NPR 3600.1, "Attendance and Leave," Chapter 3, Procedural Requirements for the Administration of Absence and Leave

http://nodis3.gsfc.nasa.gov/displayDir.cfm?Internal_ID=N_PR_3600_0001_&page_name=Chapter3

8. Credit Hours (Variable Day Schedule only)

- a. *Credit hours are hours of work which are in excess of the 40-hour basic work requirement and which the employee elects to work so as to vary the length of a workday or a workweek.*
- b. *Credit hours are non-overtime work for which the employee receives no additional pay and are credited to the employee's "account."*
- c. *Accrual of all credit hours shall be subject to supervisory approval.*
- d. *Use of credit hours shall be subject to supervisory approval.*
- e. *Full time employees may accumulate and carry forward from pay period to pay period a maximum of 24 credit hours. Part time employees may accumulate and carry forward from pay period to pay period one quarter of the biweekly scheduled work hours.*
- f. *Although subject to supervisory approval, there is no prescribed limit to daily accrual or utilization rate of credit hours. However, safety regulations may limit the number of hours an employee may spend on a particular task or project.*
- g. *Upon resignation, retirement, or transfer to another agency, employees will be paid for credit hours at their regular rate at the time of separation.*
- h. *Senior Executive Service (SES) employees may not earn credit hours.*
- i. *Credit hours may not be earned for travel in that travel in connection with Government work is not voluntary in nature, i.e., travel itself does not meet the definition of credit hours in 5 USC 6121(4), which provides that credit hours are hours within a flexible work schedule in excess of the employee's basic work requirement that the employee elects to work so as to vary the length of a workweek or workday. If travel time creates overtime hours of work, the employee shall be compensated by payment of overtime pay or under the rules for granting or requiring compensatory time off.*

Attachment E -- Absence and Leave

1. Purpose

This attachment sets forth policies and responsibilities for the administration of all types of leave and excused absence which may be granted to eligible employees. Unless indicated by italics (VDS), leave and absence policies apply to all employees.

2. Responsibilities

a. Director, Office of Human Capital Management

Certain types of leave and absence require approval by the Director, OHCM, or other officials, as indicated in this attachment.

b. Supervisors

(1) Administration of leave within their respective areas consistent with LaRC policy and applicable laws and regulations.

(2) Assisting employees in planning and scheduling annual leave to provide reasonable vacation periods and to ensure the use of leave which might otherwise be forfeited.

(3) Determining that circumstances of absence are appropriate for the type of leave requested.

(4) Approves employee leave request.

c. Employees

(1) Leave shall be requested through WebTADS Leave Planner or through e-mail.

(2) Except in unforeseen circumstances, annual leave shall be requested sufficiently in advance to permit fair and equitable scheduling of leave for all employees in the work unit while ensuring efficient accomplishment work.

(3) In cases of unscheduled absence, request approval as soon as possible (generally within first 2 hours of the employee's workday).

(4) Notify supervisors of absences on sick leave in a timely manner. When unable to report for duty because of illness, notify supervisor or other appropriate contact as early as possible on the first day of the illness, within the first 2 duty hours. Advance notice is required for absences for medical, dental, optical appointments, or scheduled treatment.

(5) In cases of extended absence due to illness or injury, keep supervisor informed (weekly) of medical condition and expectation of return to duty.

3. Annual Leave, Sick Leave, Military Leave, Court Leave, Leave Without Pay

a. Leave Increments

Leave is charged in 15-minute increments. See the following for additional requirements:

NPR 3600.1, "Attendance and Leave"

http://nodis3.gsfc.nasa.gov/displayDir.cfm?Internal_ID=N_PR_3600_0001_&page_name=main

OPM Annual Leave

<http://www.opm.gov/oca/leave/html/annual.asp>

OPM Sick Leave

<http://www.opm.gov/oca/leave/html/sicklv.htm>

b. Exigencies of the Public Business

(1) See NPR 3600.1, Chapter 2, "Procedural Requirements for Hours of Duty," for exigency requirements.

http://nodis3.gsfc.nasa.gov/displayDir.cfm?Internal_ID=N_PR_3600_0001_&page_name=Chapter2

(2) If an employee submits a timely written request for annual leave and the work situation and timing do not allow rescheduling to avoid forfeiture at the end of the leave year, the leave may be denied or canceled only in if the Director (or his designee) determines there is an exigency (i.e., an urgent need for the employee to be at work) of the public business of major importance, and that as a result, annual leave may not be used to avoid forfeiture.

(3) At least 3 days prior to canceling or denying an employee's scheduled leave as a result of an important work requirement, and when rescheduling of the leave or work requirement is impossible, the supervisor shall submit a letter to the Director requesting approval of the exigency. The request shall include:

(a) A complete description of the exigency.

(b) Reasons why employees cannot use scheduled annual leave and why the leave cannot be rescheduled prior to the end of the leave year.

(c) The proposed beginning and ending dates of the exigency period.

(d) The WebTADS Leave Planner or e-mail documenting the scheduling of the leave. Other documentation, such as handwritten notes, is not acceptable.

(4) If the exigency is sudden, the request may be made orally and subsequently confirmed in writing.

(5) The Director, or his designee, will consider the overall importance of the exigency, which involves such factors as: cost, productivity, work schedules, safety and health, availability of reasonable alternatives for performing the work (such as assigning the work to other personnel who are not in a position to forfeit leave), and the effects of postponement or redefinition of the work requirements.

(6) If the exigency is approved, the leave may be canceled. However, if the exigency is disapproved, the employee shall be allowed to take the scheduled leave. At the end of the leave year, OHCM will verify the amount of annual leave lost. Annual leave requested through WebTADS Leave Planner or e-mail is the maximum amount which can be restored.

c. Restoration of Annual Leave

(1) Annual leave to an employee's credit which is in excess of the maximum allowable accumulation is forfeited at the beginning of the new leave year. In order to be restored, leave shall have been scheduled in WebTADS Leave Planner or through e-mail no later than three pay periods before the end of the leave year, and the request for the exigency of the public business was approved by the Director, or his designee. Similarly, leave forfeited because of sickness can be restored only if the scheduling requirement was met. In addition, leave may be restored if it is determined that an administrative error caused the loss of leave. Failure of the employee to plan and effectively schedule annual leave does not relieve supervisors of the responsibility to ensure that leave is scheduled. When employees do not request or use annual leave to avoid forfeiture, they are not entitled to have forfeited leave restored for later use.

(2) See the following for restored annual leave requirements:

OPM Restoration of Annual Leave

www.opm.gov/oca/leave/HTML/RESTORE.asp

NPR 3600.1, Chapter 3, "Procedural Requirements for the Administration of Absence and Leave"

http://nodis3.gsfc.nasa.gov/displayDir.cfm?Internal_ID=N_PR_3600_0001_&page_name=Chapter3

(3) Special Leave Account

(a) Restored annual leave shall be scheduled and used not later than the end of the leave year ending 2 years after:

- (1) The date of restoration of the annual leave forfeited because of administrative error;
- (2) The date of the termination of the exigency of the public business; or
- (3) The date the employee is determined to be recovered from illness or injury and able to return to duty.

(b) Restored leave that is not used within the established time limits is forfeited with no further right to restoration.

(4) Scheduling Restored Leave

Supervisors and employees shall jointly work out a schedule for use of restored leave. This schedule is to include the number of hours to be taken by month during the 2-year period.

d. Voluntary Leave Transfer Program (VLTP)

(1) The VLTP allows for the transfer of unused accrued annual leave from one employee to another affected by a medical emergency. See the following for information on the VLTP:

OPM Leave Transfer Program

<http://www.opm.gov/oca/leave/html/lvtran.htm>

NPR 3600.1, Chapter 4, "Procedural Requirements for a Voluntary Leave Transfer Program"

http://nodis3.gsfc.nasa.gov/displayDir.cfm?Internal_ID=N_PR_3600_0001_&page_name=Chapter4

(2) Requesting Donated Leave. Employees who wish to receive donated leave shall submit Langley Form 197, "Voluntary Leave Transfer Program Application." Applications should not be submitted until such time as accumulated earned and accrued leave is exhausted. Applications shall be accompanied by a physician's statement containing:

- (a) The medical condition and severity
- (b) The beginning date and anticipated ending date of the medical emergency.
- (c) Prognosis for recovery and return-to-work status; and
- (d) If caring for an ill family member, provide statement of needed care, either full- or part-time, in order to facilitate the recuperation of the family member.

(3) Donating Annual Leave. Donations of annual leave shall be submitted on Langley Form 199, "Request to Donate Annual Leave to Leave Recipient Under the leave Transfer Program," or Langley Form 383, "Request to Donate Annual Leave

(Outside Agency) Under the Leave Transfer Program.” Donation forms shall specify the name of the leave recipient and the number of hours to be donated.

(4) Responsibilities

(a) Supervisor. Approve or disapprove application, make recommendation, and forward to OHCM.

(b) OHCM. Approve or disapprove application.

e. Federal Employee’s Family Friendly Leave Act (FEFFLA) (Public Law 103-338, October 22, 1994)

OPM Family-Friendly Leave Policies

<http://www.opm.gov/oca/leave/index.asp>

Effective September 18, 2006, OPM regulations will no longer require employees to maintain 80 hours of sick leave in their accounts to be entitled to use up to 104 sick leave hours each year for general family care or bereavement purposes. Employees shall be responsible for managing their use of sick leave to ensure they retain enough sick leave for both personal and family needs.

NOTE: Advanced sick leave will only be granted for purposes that will cause the employee to be in a leave without pay status for more than 3 work days. In addition, in order to be considered for advanced sick leave, the nature of the illness should be severe.

NOTE: FEFFLA is in addition to the Family and Medical Leave Act (FMLA), which permits the use of leave without pay or annual or sick leave to care for family members who do not meet the definition of “spouse, son or daughter, or parent” under the FMLA. Employees shall complete Langley Form 385, “Record of Employee’s Use of Leave under the Friendly Family Leave Act (FFLA) and the Family and Medical Leave Act (FMLA),” documenting all leave used under these programs at the end of each pay period. This documentation shall be kept in the employee’s organization’s time and attendance records.

NOTE: Sick leave available for family care shall be exhausted (up to 12 weeks), in addition to accrued annual leave, before application for participation in the Voluntary Leave Transfer Program (VLTP) may be made.

f. Family and Medical Leave Act (FMLA)

(1) The FMLA provides family and medical leave to Federal employees by prescribing an entitlement to a total of 12 administrative workweeks of unpaid leave during any 12-month period for certain family and medical needs.

NOTE: This leave is in addition to any other annual leave, sick leave, compensatory time, credit hours, or leave without pay. FMLA is not paid leave. In order to be in a pay status, employees may elect to use sick leave or annual leave in lieu of leave without pay consistent with applicable rules regarding sick and annual leave. See the following for information on the FMLA:

OPM Family and Medical Leave

<http://www.opm.gov/oca/leave/HTML/fmlafac2.asp>

NPR 3600.1, Chapter 3.3, "Leave for Family Responsibilities"

http://nodis3.gsfc.nasa.gov/displayDir.cfm?Internal_ID=N_PR_3600_0001_&page_name=Chapter3

(2) Responsibilities

(a) Employee. Complete Langley Form 54, "Request for Special Leave or Excused Absence." Check block 7, FMLA leave. Enter the appropriate pay status in the Justification block. Along with the Langley Form 54, submit completed physician's statement or Form WH-380, "Certification of Health Care Provider," through line management to the Head, ODWRB in advance of the period of absence. If additional information is needed, contact the ODWRB, extension 42605.

(b) Management. Make approval recommendation and route LF 54.

(c) OHCM. Approve or disapprove application.

g. Absence for Maternity Reasons

OPM Leave and Work Scheduling Flexibilities Available for Childbirth

<http://www.opm.gov/oca/leave/HTML/childbirthfs.htm>

The period of absence is to be determined based on information provided by the physician, the desires of the employee, and the needs of the organization.

h. Continued Employment

Employees returning to work—It is Center policy to assure continued employment in the employee's position or a position of like seniority, status, and pay, to the employee who returns to work following delivery and confinement, unless termination is otherwise

required by expiration of appointment, reduction in force, for cause, or similar reasons unrelated to the absence.

i. Sick leave for Adoption

OPM Leave and Work Scheduling Flexibilities Available for Adoption

<http://www.opm.gov/oca/leave/HTML/adoptionfs.htm>

j. Charging Sick Leave

When sickness occurs during a period of annual leave, the period of illness may be charged to sick leave and the charge to annual leave reduced accordingly. Holidays and non-workdays during a period of sick leave will not be charged to leave.

k. Abuse of Sick Leave

Any supervisor who believes that an employee is abusing sick leave should counsel that employee regarding sick leave usage. The supervisor shall keep a record of the counseling session. If the situation does not improve, the supervisor should contact the ODWRB, OHCM. If appropriate counseling has been completed, a supervisor may issue a written notice to the employee requiring him/her to furnish medical certification for all sick leave taken during a subsequent 6-month period.

l. Prohibition of Outside Employment During a Period of Sick Leave:

Except in rare situations (involving extended periods of illness and confinement) where acceptable justification and approval of the Director, OHCM, has been obtained, outside employment is prohibited during a period of sick leave.

m. Advance of Sick Leave

(1) Sick leave may be advanced for serious disability or illness when an employee has exhausted available sick leave. Advanced sick leave may not exceed 30 days (240 hours). In the case of family care and bereavement, only the first 40 hours of sick leave may be advanced for a full-time employee or a proportional amount for a part-time employee (see FEFFLA). Requests for advanced sick leave are to be made in advance to the Director, OHCM, using Langley Form 54, and shall be substantiated by a medical certificate. Sick leave may also be advanced for adoption-related purposes (see Sick Leave for Adoption).

(2) **Employees Contemplating Separation.** When it is known at the time that a request for advanced sick leave is made that the employee will not return to duty, it will not be granted. Advanced sick leave will only be granted to employees whose employment will continue upon recovery so that the indebtedness may be liquidated.

(3) **Settlement of Advanced Sick Leave.** Annual leave may be substituted retroactively (normally within 3 pay periods) to clear indebtedness to the Government.

Substitution of annual leave for sick leave to prevent forfeiture of annual leave is normally not permitted.

(4) **Obligation to Repay Advanced Sick Leave.** There is no obligation to repay indebtedness for advanced sick leave at the time of separation in the following instances:

- (a) Death of employee
- (b) Retirement or resignation due to disability
- (c) Military service with restoration rights

Note: An employee shall make a written request for a waiver of indebtedness to the Director, OHCM, in the case of resignation or optional retirement. Such request shall be substantiated by a medical certificate. This also applies to annual leave indebtedness due to illness.

n. Military Leave

OPM Military Leave

<http://www.opm.gov/oqa/leave/HTML/military.asp>

Completion of Military Duty. Military orders are required before posting military leave in WebTADS. Upon completion of the military service, OCFO shall be furnished certification by appropriate military authority that the active duty was performed. Failure to submit such certification may require charging annual leave or leave without pay.

o. Court Leave

OPM Court Leave

www.opm.gov/oqa/leave/html/courtlv.htm

NPR 3600.1, Chapter 3.5, "Court Leave"

http://nodis3.gsfc.nasa.gov/displayDir.cfm?Internal_ID=N_PR_3600_0001_&page_name=main

See following chart:

Nature of Service	Type of Absence			Fees			Government Travel Expenses	
	Court Leave	Official Duty	Annual Leave or LWOP	No	Yes		No	Yes
					Retain	Turn in to Agency		
I. Jury Service								
A. U.S. or D.C. court	X			X			X	
II. Witness Service								
A. On behalf of U.S. or D.C. government		X		X				X
B. On behalf of State or local government								
1. In official capacity		X				X		X
2. Not in official capacity	X					X	X	
C. On behalf of private party								
1. In official capacity		X				X		X
2. Not in official capacity								
a. when a party is U.S., D.C., or State or local government	X					X	X	
b. when a party is not U.S., D.C., or State or local government			X		X		X	

p. Excusable Absences

(1) Definition

An excused absence is an absence from duty administratively authorized without loss of pay or charge to leave. "Administrative leave" is synonymous with "excused absence. Ordinarily, excused absences are authorized on an individual basis, except when the Center is closed, or a group of employees is excused for various reasons.

(2) Pending Investigations

Excused absence which is granted at management's discretion, which generally includes situations where the possible disruption to the organization due to an employee's presence in the work place outweighs the cost of the administrative leave. The placement of an employee on excused absence is not an adverse/disciplinary action. Management should confer with the OHCM and/or the Office of Chief Counsel prior to placing an employee on excused absence.

(3) Excused Absence Due to Hazardous Weather Conditions

(a) *If closed for an entire workday, the Center will revert to a standard 8-hour workday (8a.m. to 4:30 p.m.). Employees will receive 8 hours of excused absence for that day. If the absence causes the employee to exceed basic work requirements, excess time can be applied to credit hours but cannot be used for overtime hours.*

(b) *If the Center closes early, an 8-hour day will be used as the basic workday requirement, i.e., if an employee reports to work at 7 a.m. and the Center closes at 10 a.m., the employee will be credited with 3 regular hours and 5 excused absence hours.*

(c) *If the employee leaves before the announced dismissal time, he or she will be charged annual leave or leave without pay beginning at the time the employee left work and for the remainder of the scheduled workday.*

(d) *Employees already on approved leave prior to the announced dismissal will be charged annual or sick leave for the workday. Employees scheduled to take pre-approved leave after their early dismissal time may not be charged leave for that time period.*

(4) Delayed Openings

(a) *The VDS day shift will be considered to begin at 8 a.m. Therefore, when the Center's opening is delayed until 10 a.m., those VDS employees who do not report until 10 a.m. will be credited with 2 hours of excused absence. Employees reporting between 8 a.m. and 10 a.m. will receive an excused absence on a pro rata basis. For example, VDS employees reporting at 8:30 a.m. will receive one-half hour of excused absence; VDS employees reporting at 9 a.m. will receive credit for 1 hour of excused absence, etc. Employees reporting later than the designed number of hours should be charged annual leave for the excess time, i.e. an employee reporting at 11 a.m. would be charged 1 hour of leave.*

(b) *When a liberal leave policy is in effect, VDS employees who do not report for work will be charged leave from an appropriate leave account for the entire work shift. The amount of leave charged will be sufficient to complete an 8-hour workday, unless fewer hours are needed to complete a 40-hour workweek. Employees may elect to use credit hours in lieu of leave to cover their absence. Employees on leave approved prior to the announcement of the delayed opening will be charged the amount of leave requested for that day unless the reason for their absence is directly related to the reason for the delayed opening.*

(c) *All other rules pertaining to the VDS will remain in effect.*

(5) Excused Absence Involving Individuals or Small Groups of Employees

These absences should be requested in advance but shall be submitted within 5 workdays after returning to work, using Langley Form 54. Such absences shall be

explained fully, and when approved, granted without charge to leave. If a leave charge was made prior to approval of the Langley Form 54, a correction shall be entered in WebTADS. Examples could include instances where air conditioners are not working properly, remote work sites are closed for employees on travel, etc.

(6) Jury Service

(a) NASA considers jury duty a civic responsibility. It is Center policy to request release of employees from jury duty only in situations where the public interest is better served by an employee staying on the job; i.e., where the services of an employee are absolutely necessary to meet important work deadlines. The Center Director, or his/her designee, will submit a letter to the court explaining the facts and request that the employee be released from jury duty.

(b) An 8-hour day will be used to determine the amount of excused absence. If excused from jury duty with less than 3 hours remaining in the Center's official workday of 8 a.m. to 4:30 p.m., employees are not required to report for duty and will be granted a maximum of 8 hours of excused absence. If the employee is excused with more than 3 hours remaining in the official workday, he/she should report for duty or have approval to be absent. If the employee elects to return to duty, he or she will be credited with the total number of hours actually worked that day in addition to the excused absence.

(7) Blood Donor Program

Employees who donate blood as part of the American Red Cross Blood Donation Program at the Center, or in emergencies when authorized by the Occupational Health Services Office, will be excused without charge to leave for up to 4 hours per donation. This 4-hour period includes time spent at the Bloodmobile and is consecutive time off. Actual hours worked that day will be added to the hours used for their authorized excused absence. This total cannot exceed 8 hours. If the employee has already worked 8 hours before donating blood, there is not entitlement to an excused absence.

(8) Organ and Bone Marrow Donations

OPM Bone Marrow or Organ Donor Leave
<http://www.opm.gov/oca/leave/HTML/DONOR.HTM>

Federal employees are entitled to paid leave as authorized by appropriate statutes (in addition to annual or sick leave) to serve as a bone marrow or organ donor.

(9) NASA Health Programs

When health programs are conducted by the Center, employees will be excused without charge to leave to participate in the programs. This provision is applicable to preventative medical programs, but not to treatment.

(10) Employees Suffering Disabling Job-Related Illness or Injuries

No leave of any kind is charged on the day the injury or illness occurs. If further absence is required for treatment or recovery, pay continuation (for traumatic injuries) up to 45 days, sick leave, annual leave, or LWOP will be authorized. For more information, contact the ODWRB, extension 43194.

Note: Diagnostic examinations or tests for illnesses or injuries caused by job-related conditions, which are authorized and scheduled by a Federal medical officer, are considered official work time.

(11) Visits to the Occupational Health Clinic (Non-job-related Illness or Injury)

Employees will be granted excused absence, not to exceed 1 hour, for visits to the Center's Occupational Health Clinic as a result of illness or injury that is not job-related, such as for receiving medical care for minor disorders, first aid, or palliative care. In addition, the Clinic provides routine checks for hypertension, diabetes, glaucoma, etc., and allergy shots, and injections in support of private physician directed care where possible. If time spent at the Clinic exceeds 1 hour, all time spent will be charged to the appropriate type of leave.

(12) Travel after Midnight

Employees who are required to perform official travel and arrive at their residences after midnight, may be excused by their supervisors for a reasonable length of time before reporting for duty, but not in excess of 8 hours. Such excused absences will not be authorized if the employee is entitled to compensatory time off for travel. Absences shall be authorized in WebTADS.

(13) Civil Defense

(a) Employees who participate in federally recognized civil defense programs may be excused, without charge to leave, for a reasonable amount of time up to a maximum of 40 hours in any calendar year.

(b) Approval of the Head, ODWRB is to be requested on Langley Form 54. Certification from Civil Defense authorities giving dates and time of participation shall be received as soon as possible after duty is performed.

(c) Travel allowances and expenses may be authorized to cover any travel required by officially authorized Civil Defense training duty, provided action is approved in the same manner as other official travel.

(15) Permanent Change of Station (PCS) Relocation

(a) Employees entering on duty or departing from the Center will be allowed up to 24 hours of administrative leave to be used within 6 months of the move in order to coordinate activities which are associated with a PCS. Employees shall be in receipt of PCS orders to establish eligibility. The Head, ODWRB may grant additional administrative leave should unusual circumstances or extraordinary reasons exist.

(b) First-level supervisors are delegated authority for determining if an employee's absence is related to PCS activities. Employees are required to schedule and obtain approval in advance of the absence. Employees may be granted administrative leave for any purpose or activity related to an official PCS requiring change of residence (e.g., receiving and unpacking household goods, filing of home mortgage applications, residential real estate settlements/closings, etc.). Personnel Specialists in the OHCM are available to advise supervisors and employees regarding appropriate use of administrative leave for relocation purposes.

(c) Administrative leave for relocation purposes shall be used within 365 calendar days of the employee's entrance on duty (EOD) date or, in cases of separation, after a release date has been arranged by the OHCM and before actual date of separation. Administrative leave for relocation shall be recorded in WebTADS.

(16) Voting

The election polls in Virginia are open from 6 a.m. to 7 p.m. By using the flexible time bands, 6 a.m. to 9 a.m., and 3 p.m. to 6 p.m., employees normally can vote without needing to request time off during the core time band, 9 a.m. to 3 p.m.

(17) Tardiness or other Absences

Absences from the core time requirement may be charged to leave or to credit hours, or with supervisory approval, may be made up during the administrative workweek.

r. Absences Without Pay

(1) Leave Without Pay (LWOP)

LWOP is absence from duty without pay. It may be used for short periods of sickness or similar purposes when an employee has no available paid leave, or for extended periods up to 52 weeks per request. Ordinarily, LWOP is not granted when employees have annual leave to their credit.

(2) Extended LWOP

Extended LWOP is all LWOP in excess of 30 consecutive calendar days. For approval of extended LWOP, there should be reasonable belief that the employee will return at the end of the approved period. In addition, at least one of the following benefits should result:

- (a) increased job ability
- (b) protection or improvement of employee's health
- (c) retention of a desirable employee
- (d) furtherance of a program of interest to the Government (for example, Peace Corps volunteers).

(3) Examples of eligible cases for extended LWOP

The following list includes, but is not limited to, examples of situations in which approving extended LWOP would be appropriate:

- (a) Educational purposes when the course of study or research is compatible with work being performed by the Center and completion of the study would contribute to the Center's best interests.
- (b) Services with non-Federal, public, or private enterprise, when the job is temporary and there is reasonable belief that the employee will return. In addition, when one or both of the following will result:
 - (1) The service to be performed will contribute to public welfare.
 - (2) The experience to be gained by the employee will serve the interests of the Center.
- (c) Recovery from illness or disability not of a permanent or disqualifying nature, when continued employment or immediate return to work would threaten the employee's health, or the health of other employees.

(d) Protect employee status and benefits:

- (1) During a period pending final action by the Office of Personnel Management (OPM) on a claim for disability retirement.
- (2) During a period pending action by the Office of Workers Compensation Programs (OWCP), Department of Labor, on a claim resulting from work-related illness or injury.
- (3) For at least 1 year, while being compensated by the OWCP, with extension in increments of 6 months or 1 year. The employee is to be counseled regarding rights and benefits so that either disability retirement or worker compensation may be elected.
- (4) To avoid a break in service for employees relocating because they are dependents of military personnel or of Federal employees and who shall move on rotational assignments or upon the transfer of a function or activity.

(e) Request for LWOP

Approval shall be obtained in advance for all LWOP except in emergency situations. In an emergency, the nature of the absence shall be explained as soon as possible. Supervisors approve absences on LWOP for up to 30 consecutive calendar days. Approval of the Director, OHCM is required when granting LWOP in excess of 30 consecutive calendar days. Langley Form 54 is used for this purpose.

(f) Authorization for Employees to Return from Extended LWOP Earlier than Scheduled

Supervisors shall notify the Head, ODWRB when an employee returns to pay status earlier than expected.

(g) LWOP Because of Illness

A medical certificate or other evidence acceptable to the approving official is required when requesting LWOP for illness of more than 3 days.

(h) Charging LWOP

Holidays occurring during a period of LWOP will be charged to LWOP. However, when an employee leaves duty at the close of business the day preceding a holiday or returns to duty at the beginning of business the day following a holiday, the employee will be paid for the holiday.

(i) Effect of Nonpay Status Leave and Other Benefits

Effect of Extended Leave Without Pay (LWOP) (or Other Nonpay Status) on Federal Benefits and Programs

http://www.opm.gov/oqa/leave/html/lwop_eff.htm

Questions regarding effect of extended LWOP on Federal benefits may be directed to the ODWRB, extension 42605.

s. Absence Without Official Leave (AWOL)

Absence from duty without authorization shall be charged to absence without official leave and without pay. Upon return to duty, the employee will be counseled concerning the incident and given the opportunity to state his/her reasons for the absence. The supervisor shall keep an informal record of the counseling session. Management should determine the appropriate leave charge after the counseling session. Management should confer with ODWRB concerning incidents of AWOL, since an AWOL charge may be the basis for disciplinary actions.

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